IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND SEVEN

:PRESENT:

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3321 of 2007

Between:
Edupally Rangayyappa Rao S/o.Jagannadha Rao

..... Petitioner

AND

1 The Election Commissioner of India, rep. by chief Election Commissioner, Nirvachan
Sadan, Ashok Road, New Delhi
2 Chief Electoral Officer and E.O., Principal Secretary to Government, Government of
Andhra Pradesh, Hyderabad
3 The State Election Commission, 3rd floor, Budha Bhavan, Secunderabad
4 The Returning Officer/District Collector, East Godavari District, Kakinada

.....Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or order more especially one in the nature of writ of mandamus declaring the action of the 3rd respondent upon the instructions of 1st respondent in issuing the memo No.3597/Elecs./E/A2/2006-86 dated 15.2.2007 which confines nomination during ensuing Council Election to the existing Electoral Rolls of 2006 for the purpose of filing nomination as illegal, arbitrary, capricious and against the rules and regulations and consequentially suspend the operation of the memo No.3597/Elecs./E/A2/2006-86 dated 15.2.2007 as far as restraining the filing of nominations to the existing electoral rolls of 2006 and consequentially direct the respondent No.3 to receive the nomination of the petitioner for the Legislative Council Teachers Constituency of East Godavari District at Kakinada on or before 22.2.2007 and consequentially direct the respondent not to reject the nomination of the petitioner

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support there of and upon hearing the arguments of Sri. Ravi Shankar Jandhyala, Advocate for the Petitioner and of Sri Jayasree Sarathy, Advocate for the Respondent No.1 and of the G.P. for GAD, for the Respondent No. 2 & 4, and of Sri V.V.Prabhakar, Advocate for the

Respondent No.4, the Court made the following

ORDER:

"Heard the learned counsel for the petitioner and the learned Government Pleader for General Administration Department, at some length.

The controversy is in a very narrow compass.

The petitioner states that his name was there in the voters' list of Gudivada Assembly Constituency, upto 2005 and in the revision of the voters' list, in the year 2006, it was deleted. He contends that on an application made by him on 29-12-2006, his name was included at Sl. No. 1839 in Polling Station No. 60 of 85 the said constituency. His grievance is that his nomination for the Teachers' Constituency of East Godavari at Kakinada, of the Andhra Pradesh Legislative Council is not being received, on the ground that the corrected voters' list was not published.

In P.T.Rajan V. T.P.M.Sahilr and others ((2003) 8 SCC 498), the Hon'ble Voters' list is only a ministerial act and if the name of the individual is included in the voters' list, he shall be entitled to exercise corresponding rights irrespective of the fact that whether the list was published or not.

Following the same, there shall be interim direction to the effect that the nomination of the petition for the Andhra Pradesh Legislative Teachers' Constituency of East Godavari at Kakinada of the Andhra Pradesh Legislative Council shall be received, in case his name is included in the voters' list, irrespective of the fact whether the corrected list was published or not.

Post the writ petition on 27-02-2007 in the motion list.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1 The Chief Election Commissioner, Election Commissioner of India, Nirvachan
Sadan, Ashok Road, New Delhi

2 The Principal Secretary, Chief Electoral Officer and E.O., Government of Andhra Pradesh, Hyderabad

3 The State Election Commission, 3rd floor, Budha Bhavan, Secunderabad

4 The Returning Officer/District Collector, East Godavari District, Kakinada

(Addressees 1 to 4 BY RPAD)

5. Two CCs to G.P. for GAD, High Court of A.P., Hyderabad (OUT).
6. One CC to Sri Ravi Shankar Jandhyala, Advocate (OPUC).
7. One Spare Copy.

AB

HIGH COURT

AB
DRAFTED ON 21-02-2007

LNRJ

DATE: 21-02-2007

ORDER

WP. NO. 3321 OF 2007

DIRECTION